AMENDMENTS TO THE DRAWINGS

Please replace the drawings as originally filed with the replacement drawing sheets 1-56 provided herewith.

REMARKS

This paper is responsive to the Examiner's Notice of Non-Complaint Amendment of April 1, 2008, and is also a supplemental response to the Office Action of August 24, 2007.

As shown above, Applicants have hereby amended the Specification, including the Title, the Abstract, and Claims 1, 4 and 48, and added new Claims 50-72. Thus, Claims 1-6 and 46-72 are presently pending in this application. Support for these amendments can be found in the Application as originally filed. Reconsideration of the application in view of the foregoing amendments and following remarks is respectfully requested.

The specific changes to the specification, abstract and any amended claims are shown by strikethrough or double bracketing for any deletions, and underlining for any insertions.

Amendments to the Specification

As shown above, the Title has been amended. Support for this amendment can be found in the Application as originally filed. No new matter has been introduced. Accordingly, Applicants request entry of this amendment.

As also shown above, the first three paragraphs of the specification have been amended to update the status of the priority applications, as appropriate.

Applicants note an inadvertent paragraph numbering error on page 1 of the specification as originally filed, wherein two paragraphs have been numbered as [0003]. The second of these paragraphs should be numbered as [0004], and the subsequent paragraph numbering should be increased by one.

Amendments to the Abstract

As shown above, the Abstract of the Disclosure has been amended. Support for this amendment can be found in the Application as originally filed. No new matter has been introduced. Accordingly, Applicants request entry of this amendment.

To comply with the Examiner's Notice of Non-Complaint Amendment of April 1, 2008, the Abstract has been presented on a separate page.

Amendments to the Drawings

The drawings as originally filed have been replaced by the enclosed 56 sheets of drawings with each sheet identified as a "Replacement Sheet" in the top margin to comply with 37 C.F.R. § 1.121(d).

These drawings comprise a full set of formal drawings, since some of the drawings as originally filed contained informalities. No new matter has been introduced. Accordingly, Applicants request entry of these formal drawings.

Claim Rejections and Amendments

The Examiner rejected Claims 1, 2, 4, 5, 46 and 47 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,450,984 B1 to Lynch et al. ("the '984 Lynch patent"); Claims 47 and 48 under 35 U.S.C. § 103(a) as being obvious in view of the '984 Lynch patent; Claims 3 and 6 under 35 U.S.C. § 103(a) as being obvious in view of the combination of the '984 Lynch patent and U.S. Patent No. 7,033,603 B2 to Nelson et al. ("Nelson"); and Claims 1, 2, 4, 5, 48, 49 under 35 U.S.C. § 103(a) as being obvious in view of the combination of U.S. Patent No. 4,554,918 to White ("White") and U.S. Patent Application Publication No. 2005/0119737 A1 to Bene et al. ("Bene").

Applicants respectfully traverse these rejections and the Examiner's characterization of the cited references. (Applicants further believe that the obviousness rejection of Claim 47 is a typographical error in the Office Action.)

In this case, independent Claims 1, 4 and 48 have been amended, as shown above, to vary the scope of protection of Applicants' claimed invention, and not to overcome the prior art. These amendments are supported by the Application as originally filed, and no new matter has been introduced.

Claims 1, 2, 4, 5, 46 and 47 are Not Anticipated by the '984 Lynch patent

Claims 1, 2, 4, 5, 46 and 47 are supported by Applicants' priority U.S. Patent Application No. 09/549,350, filed April 14, 2000 (now U.S. Patent No. 6,638,239 B1). These claims thus are entitled to an effective filing date of April 14, 2000.[1]

In contrast, the '984 Lynch patent has a filing date of April 26, 2000, and while this patent claims priority to a provisional application 60/131,030 ("the Lynch provisional"), that disclosure does not provide support for many features disclosed in the '984 Lynch patent, as discussed further herein.

The Examiner asserted that the Lynch provisional provides sufficient enablement under 35 U.S.C. § 112, 1st paragraph for the disclosed apparatus and method in the '984 Lynch patent, and qualifies as prior art as per M.P.E.P. 2136.03 (III).

Applicants disagree with this assertion. The Lynch provisional, on page 11, discloses a device and method for shunting aqueous fluid from the anterior chamber into Schlemm's canal, and, on pages 13 and 14, discloses a different device and method for delivering medication to Schlemm's canal and the trabecular meshwork.

Firstly, these "shunting aqueous fluid" and "delivering medication" disclosures in the Lynch provisional are clearly independent and distinct inventions from one another. This understanding is further evidenced from Lynch's subsequent unrelated non-provisional filings, one of which was directed toward the "Shunt Device and Method for Treating Glaucoma" (U.S. Patent No. 6,450,984) and the other of which was directed toward an "Inflatable Device and Method of Treating Glaucoma" (U.S. Patent No. 6,524,275).

Moreover, there is no teaching or suggestion in the Lynch provisional to combine the two distinct inventions. As such, the Lynch provisional fails to satisfy the requirement of 35 U.S.C. § 112, 1st paragraph for enablement of an aqueous shunt with a therapeutic agent as disclosed in the '984 Lynch patent.

M.P.E.P. 2136.03 (III) states (**emphasis in original**):

> The 35 U.S.C. 102(e) critical reference date of a U.S. patent ... entitled to the benefit of the filing date of a provisional

[1] Applicants are submitting a petition to correction inventorship to include Mr. Olav Bergheim and Dr. Morteza Gharib, who were mistakenly omitted from being named as inventors on the above-captioned application.

> application under 35 U.S.C. 119(e) is the filing date of the provisional application with certain exceptions **if** the provisional application(s) properly supports the subject matter relied upon to make the rejection in compliance with 35 U.S.C. 112, first paragraph.

Applicants submit that the disclosure of the Lynch provisional does not enable a person skilled in the art to combine the disclosed shunt with a drug, and as such it does not provide a 102(e) critical date for the '984 Lynch patent for this feature, among others.

Secondly, implantation of the aqueous shunt in the Lynch provisional involves cutting Schlemm's canal posteriorly and anteriorly (see, e.g. page 11, third paragraph) so that a portion of the shunt is in the anterior chamber and another portion of the shunt is in Schlemm's canal. In contrast, the drug delivery device in the Lynch provisional is inserted only into Schlemm's canal through a posterior incision and anterior penetration of the Schlemm's canal is avoided so that the "drug is not diluted by aqueous fluid from the entire anterior chamber." (Page 13, paragraphs 3-5). Thus, the Lynch provisional clearly teaches away from providing a drug in combination with the shunt, since the shunt by its disclosed purpose is directly exposed to aqueous fluid from the anterior chamber.

Accordingly, there is no teaching or suggestion in the Lynch provisional to provide an aqueous shunt with a drug.

Turning now to the specific claims, independent Claim 1 is directed to an implant for treating an ocular disorder and recites, among other things: a body comprising material that includes a therapeutic drug. As discussed above and herein, the Lynch provisional does not teach or suggest an implant with this structure. Accordingly, Claim 1 is not anticipated by the '984 Lynch patent.

Claims 2 and 46 depend from Claim 1, and are not anticipated by the '984 Lynch patent for at least the same reasons Claim 1 is not, and because of the unique combination of features recited therein. Moreover, the combination of features recited in Applicants' implant of Claim 1, and its dependent claims, are not found in an individual prior art reference, or rendered obvious by a combination of prior art references.

Independent Claim 4 is directed to an implant for treating an ocular disorder and recites, among other things: a body having a therapeutic drug in or on said body. As discussed above

and herein, the Lynch provisional does not teach or suggest an implant with this structure. Accordingly, Claim 4 is not anticipated by the '984 Lynch patent.

Claims 5 and 47 depend from Claim 4, and are not anticipated by the '984 Lynch patent for at least the same reasons Claim 4 is not, and because of the unique combination of features recited therein. Moreover, the combination of features recited in Applicants' implant of Claim 4, and its dependent claims, are not found in an individual prior art reference, or rendered obvious by a combination of prior art references.

Claims 3 and 6 are Patentable Over the Combination of the '984 Lynch patent and Nelson

The Examiner's comments with respect to Claim 3, which depends from Claim 1, are noted. However, they stand moot since, as discussed above and herein, the Lynch provisional fails to teach or suggest the limitations of Claim 1. Thus, the combination of the '984 Lynch patent and Nelson does not render Claim 3 obvious, and Claim 3 is patentable over the applied combination.

The Examiner's comments with respect to Claim 6, which depends from Claim 4, are also noted. However, again, they stand moot since, as discussed above and herein, the Lynch provisional fails to teach or suggest the limitations of Claim 4. Thus, the combination of the '984 Lynch patent and Nelson does not render Claim 6 obvious, and Claim 6 is patentable over the applied combination.

Claim 48 is Patentable Over the '984 Lynch patent

Independent Claim 48 is directed to a method of treating an ocular disorder and recites, among other things: introducing an implant comprising a therapeutic drug into an anterior chamber of an eye. As discussed above and herein, the Lynch provisional fails to teach or suggest a method utilizing an implant with this structure. Accordingly, Claim 48 is patentable the '984 Lynch patent. Moreover, the combination of features recited in Applicants' method of Claim 48, and its dependent claims, are not found in an individual prior art reference, or rendered obvious by a combination of prior art references.

Claims 1, 2, 4, 5, 48 and 49 are Patentable Over the Combination of White and Bene

The Examiner asserted that the combination of the ocular device of White with the ocular implant drug coating of Bene renders Claims 1, 2, 4, 5, 48 obvious. Applicants disagree with the Examiner's assertion on the bases set forth below and herein.

Applicants' Claims 1, 2, 4, 5, 48 and 49 all recite, among other things, a "physiological outflow pathway" and a "therapeutic drug." Of these, Claims 1 and 4 are independent claims directed to an implant for treating an ocular disorder, and Claim 48 is an independent Claim directed to a method of treating an ocular disorder.

Applicant's specification discloses physiological outflow pathways, at various instances, which drain aqueous humor from the anterior chamber of an eye. For example, at paragraph number [0008] of the specification as originally filed, it states, among other things (emphasis added):

> Aqueous humor is a transparent liquid that fills the region between the cornea, at the front of the eye, and the lens. The aqueous humor is continuously secreted by the ciliary body around the lens, so there is an essentially constant flow of aqueous humor from the ciliary body to the eye's anterior chamber. **The anterior chamber pressure is determined by a balance between the production of aqueous and its exit through the trabecular meshwork (major route) or uveal scleral outflow (minor route).** The trabecular meshwork is located between the outer rim of the iris and the back of the cornea, in the anterior chamber angle.

It is important to recognize that these physiological outflow pathways are "natural" outflow pathways. For example, at paragraph number [0425] of the specification as originally filed, it states, among other things:

> Such natural outflow pathways include Schlemm's canal 22, aqueous collector channels, aqueous veins, and episcleral veins.

Of course, it is understood that eventually the drained aqueous humor will reach the central venous system. However, this is not a "physiological" or "natural" outflow pathway for the drainage of aqueous fluid from the anterior chamber.

White relates to an ocular pressure relief device and discloses artificially or surgically created aqueous drainage sites such as a bleb "A" (see, FIGS. 1 and 4) or a "surgically prepared

subconjunctival space" (see, e.g., column 6, line 39, emphasis added). Thus, these are not physiological outflow pathways as set forth in Applicants' Claims 1, 2, 4, 5, 48 and 49.

Applicants are aware that White also discloses a "vortex vein" as an aqueous drainage site, as pointed out by the Examiner. The Examiner takes the position that the vortex vein is a physiological outflow pathway.

Applicants respectfully disagree with the Examiner's position. Submitted in the Supplemental Information Disclosure Statement (filed on February 25, 2008) is a September 2004 published article by Wagner et al. ("Wagner article") which discusses recent findings that strongly indicate that aqueous drainage through the vortex veins is substantially non-existent. The Examiner is directed to page 1, last 2 lines to page 2, first line of the Wagner article whereat earlier results are mentioned. It should be noted that the studies of references 1-3 from the 1970s are contradicted by later references 4-5 of 1998 and 2002. Moreover, the Wagner article of 2004 further corroborates these later findings.

Accordingly, Applicants submit that the vortex vein should not be considered a physiological outflow pathway.

Turning now to the specific claims, independent Claim 1 is directed to an implant for treating an ocular disorder and recites, among other things (emphasis added):

> said inlet portion configured to reside in an anterior chamber of an eye when the outlet portion is disposed in a **physiological outflow pathway** of the eye, said outlet portion having an outflow opening such that said body **drains fluid from the anterior chamber to the physiological outflow pathway**.

As discussed above and herein, since White fails to teach or suggest an implant with this structure, the combination of White and Bene fails to do so also. Accordingly, Claim 1 is patentable over the applied combination.

Claim 2 depends from Claim 1, and is patentable for at least the same reasons Claim 1 is, and because of the unique combination of features recited therein. Moreover, the combination of features recited in Applicants' implant of Claim 1, and its dependent claims, are not found in an individual prior art reference, or rendered obvious by a combination of prior art references.

Independent Claim 4 is directed to an implant for treating an ocular disorder and recites, among other things (emphasis added):

> said inlet portion configured to **drain fluid from an anterior chamber of an eye** to the outlet portion when the outlet portion is disposed in a **physiological outflow pathway**.

As discussed above and herein, since White fails to teach or suggest an implant with this structure, the combination of White and Bene fails to do so also. Accordingly, Claim 4 is patentable over the applied combination.

Claim 5 depends from Claim 1, and is patentable for at least the same reasons Claim 4 is, and because of the unique combination of features recited therein. Moreover, the combination of features recited in Applicants' implant of Claim 4, and its dependent claims, are not found in an individual prior art reference, or rendered obvious by a combination of prior art references.

Independent Claim 48 is directed to a method of treating an ocular disorder and recites, among other things (emphasis added):

> ... such that the implant **drains aqueous humor from the anterior chamber into a physiological outflow pathway**.

As discussed above and herein, since White fails to teach or suggest a method utilizing an implant with this structure, the combination of White and Bene fails to do so also. Accordingly, Claim 48 is patentable over the applied combination.

Claim 49 depends from Claim 48, and is patentable for at least the same reasons Claim 48 is, and because of the unique combination of features recited therein. Moreover, the combination of features recited in Applicants' method of Claim 48, and its dependent claims, are not found in an individual prior art reference, or rendered obvious by a combination of prior art references.

New Claims 50-72

Applicants have added new Claims 50-72 to further vary the scope of protection. These claims are supported by the Application as originally filed, and no new matter has been introduced.

Claims 50 and 51 depend from independent Claim 48, and are patentable for at least the same reasons Claim 48 is, and because of the unique combination of features recited therein.

Claims 52-54 depend from independent Claim 1, and are patentable for at least the same reasons Claim 1 is, and because of the unique combination of features recited therein.

Claims 55-57 depend from independent Claim 4, and are patentable for at least the same reasons Claim 1 is, and because of the unique combination of features recited therein.

Claims 58-63, Claims 64-66, Claims 67-69, and Claims 70-72 comprise new claim sets. These claims define over the prior art, since the combination of features recited therein are not found in an individual prior art reference, or rendered obvious by a combination of prior art references. For example, the applied references in the outstanding office action fail to disclose or teach advancing an implant into eye tissue such that the implant is in contact with at least the choroid of the eye, as recited in Claim 58. Accordingly, Applicants respectfully submit that these new claims are allowable as presented.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Related Cases

In addition to the Amendments and Remarks provided above, Applicants provide the following table to aid the Examiner during prosecution. The following U.S. issued patents and patent applications are related to the above-captioned application in that they have at least one listed inventor or assignee in common with the above-captioned application:

Attorney Docket No.	Appl. No. (Patent No.)	Filing Date	Title
GLAUKO.001A	09/549,350 (6,638,239)	14-Apr-2000	APPARATUS AND METHOD FOR TREATING GLAUCOMA
GLAUKO.001C1	10/309,711 (6,955,656)	04-Dec-2002	APPARATUS AND METHOD FOR TREATING GLAUCOMA
GLAUKO.001C2	10/395,627 (6,780,164)	21-Mar-2003	L-SHAPED IMPLANT WITH BI-DIRECTIONAL FLOW

Attorney Docket No.	Appl. No. (Patent No.)	Filing Date	Title
GLAUKO.1C2C2	10/782,382	19-Feb-2004	GLAUCOMA IMPLANT KIT
GLAUKO.1C2C2C	11/836,118	08-Aug-2007	GLAUCOMA IMPLANT WITH VALVE
GLAUKO.1C2C3	10/889,254	12-Jul-2004	GLAUCOMA IMPLANT WITH BI-DIRECTIONAL FLOW
GLAUKO.001C3	10/395,633 *(Abandoned)*	21-Mar-2003	IMPLANT WITH DRUG COATING
GLAUKO.1C3CP2	11/126,868	11-May-2005	INJECTABLE GEL IMPLANT FOR GLAUCOMA TREATMENT
GLAUKO.001C4	10/395,631 (7,297,130)	21-Mar-2003	IMPLANT WITH ANCHOR
GLAUKO.1C4C1	11/123,443	06-May-2005	GLAUCOMA IMPLANT WITH MULTIPLE OPENINGS
GLAUKO.1C4C2	11/124,440	06-May-2005	METHOD OF TREATING GLAUCOMA USING AN IMPLANT HAVING A UNIFORM DIAMETER BETWEEN THE ANTERIOR CHAMBER AND SCHLEMM'S CANAL
GLAUKO.1C4C3	11/294,794 *(Abandoned)*	06-Dec-2005	SHUNT DEVICE AND METHOD FOR TREATING GLAUCOMA
GLAUKO.1C4C4	11/295,066 *(Abandoned)*	06-Dec-2005	SHUNT DEVICE AND METHOD FOR TREATING GLAUCOMA
GLAUKO.1C4C6	11/412,581 *(Abandoned)*	27-Apr-2006	SHUNT DEVICE AND METHOD FOR TREATING GLAUCOMA
GLAUKO.1C4C7	11/412,454 *(Abandoned)*	27-Apr-2006	SHUNT DEVICE AND METHOD FOR TREATING GLAUCOMA
GLAUKO.1C4C10	11/841,967	20-Aug-2007	THERAPEUTIC SHUNT DEVICE AND METHOD FOR TREATING GLAUCOMA
GLAUKO.1C5CP1	10/636,797	07-Aug-2003	IMPLANTABLE OCULAR PUMP TO REDUCE INTRAOCULAR PRESSURE
GLAUKO.1C5CP2	10/910,962	04-Aug-2004	IMPLANTABLE OCULAR PUMP TO REDUCE INTRAOCULAR PRESSURE
GLAUKO.001CP1	09/704,276 (6,736,791)	01-Nov-2000	GLAUCOMA TREATMENT DEVICE
GLAUKO.1CP1C1	10/824,052 *(Abandoned)*	14-Apr-2004	GLAUCOMA TREATMENT DEVICE
GLAUKO.1CP1C1C	11/836,109	08-Aug-2007	GLAUCOMA IMPLANT WITH ANCHOR
GLAUKO.005A	09/847,523 (6,666,841)	02-May-2001	BIFURCATABLE TRABECULAR SHUNT FOR GLAUCOMA TREATMENT
GLAUKO.005C1	10/626,181 (6,981,958)	24-Jul-2003	IMPLANT WITH PRESSURE SENSOR FOR GLAUCOMA TREATMENT
GLAUKO.005C1C1	11/121,584	04-May-2005	IMPLANTS FOR TREATING OCULAR DISORDERS
GLAUKO.005C1C2	11/209,563 *(Abandoned)*	23-Aug-2005	BIODEGRADABLE GLAUCOMA IMPLANT

Attorney Docket No.	Appl. No. (Patent No.)	Filing Date	Title
GLAUKO.5C1CP1	10/950,175	24-Sep-2004	IMPLANT WITH INTRAOCULAR PRESSURE SENSOR FOR GLAUCOMA TREATMENT
GLAUKO.007A	10/137,117 *(Abandoned)*	01-May-2002	GLAUCOMA DEVICE AND METHODS THEREOF
GLAUKO.010A	10/046,137 *(Abandoned)*	08-Nov-2001	DRUG-RELEASING TRABECULAR IMPLANT FOR GLAUCOMA TREATMENT
GLAUKO.011A	10/118,578 (7,135,009)	08-Apr-2002	GLAUCOMA STENT AND METHODS THEREOF FOR GLAUCOMA TREATMENT
GLAUKO.011C1	11/598,542	13-Nov-2006	IMPLANT AND METHODS THEREOF FOR TREATMENT OF OCULAR DISORDERS
GLAUKO.011C1C1	12/111,033	28-Apr-2008	SYSTEM FOR TREATING OCULAR DISORDERS AND METHODS THEREOF
GLAUKO.011CP1	10/634,213	05-Aug-2003	DEVICES AND METHODS FOR GLAUCOMA TREATMENT
GLAUKO.11CP1C1	11/836,106	08-Aug-2007	DEVICES AND METHODS FOR GLAUCOMA TREATMENT
GLAUKO.11CP1C2	11/836,112	08-Aug-2007	DEVICES AND METHODS FOR GLAUCOMA TREATMENT
GLAUKO.011CP2	10/695,668	28-Oct-2003	GLAUCOMA TREATMENT KIT
GLAUKO.11CP2CP1	11/084,314	18-Mar-2005	INJECTABLE GLAUCOMA IMPLANTS WITH MULTIPLE OPENINGS
GLAUKO.011CP3	11/083,713	18-Mar-2005	OCULAR IMPLANTS WITH ANCHORS
GLAUKO.013A	10/139,800 (7,094,225)	03-May-2002	MEDICAL DEVICE AND METHODS OF USE FOR GLAUCOMA TREATMENT
GLAUKO.013C1	11/255,625 (7,273,475)	21-Oct-2005	MEDICAL DEVICE AND METHODS OF USE FOR GLAUCOMA TREATMENT
GLAUKO.013C1DV1	11/860,785	25-Sep-2007	OCULAR IMPLANT WITH DOUBLE ANCHOR MECHANISM
GLAUKO.017A	10/231,342	28-Aug-2002	GLAUCOMA STENT FOR TREATING GLAUCOMA AND METHODS OF USE
GLAUKO.017C1	11/455,598	19-Jun-2006	GLAUCOMA STENT SYSTEM
GLAUKO.017C2	11/455,391	19-Jun-2006	GLAUCOMA STENT SYSTEM
GLAUKO.019A	10/395,646 *(Abandoned)*	21-Mar-2003	EXPANDABLE GLAUCOMA IMPLANT AND METHODS OF USE
GLAUKO.020A	10/384,912 (7,186,232)	07-Mar-2003	FLUID INFUSION METHODS FOR GLAUCOMA TREATMENT
GLAUKO.020C1	11/332,746	12-Jan-2006	FLUID INFUSION METHODS FOR OCULAR DISORDER TREATMENT
GLAUKO.020CP1	11/353,854 *(Abandoned)*	13-Feb-2006	LIQUID JET FOR GLAUCOMA TREATMENT
GLAUKO.022A	10/165,616 (7,163,543)	07-Jun-2002	COMBINED TREATMENT FOR CATARACT AND GLAUCOMA TREATMENT

Attorney Docket No.	Appl. No. (Patent No.)	Filing Date	Title
GLAUKO.022C1	11/653,815	16-Jan-2007	COMBINED TREATMENT FOR CATARACT AND GLAUCOMA TREATMENT
GLAUKO.023A	10/409,028 *(Abandoned)*	07-Apr-2003	DRUG-RELEASING IMPLANT FOR OPTIC NERVE PROTECTION
GLAUKO.026A	10/420,354 *(Abandoned)*	18-Apr-2003	GLAUCOMA IMPLANT WITH VALVELESS FLOW BIAS
GLAUKO.034A	10/662,696 (7,192,412)	15-Sep-2003	TARGETED STENT PLACEMENT AND MULTI-STENT THERAPY
GLAUKO.035A	10/667,580	22-Sep-2003	GLAUCOMA IMPLANT AND DELIVERY SYSTEM
GLAUKO.037A	10/683,767	10-Oct-2003	LIQUID JET TRABECULOTOMY
GLAUKO.039A	10/703,392 *(Abandoned)*	07-Nov-2003	IDENTIFICATION SYSTEM FOR GLAUCOMA IMPLANTS
GLAUKO.046A	10/763,569 *(Abandoned)*	23-Jan-2004	VASOMODULATION DURING GLAUCOMA SURGERY
GLAUKO.051A	10/860,785	02-Jun-2004	COIL IMPLANT FOR GLAUCOMA TREATMENT
GLAUKO.055A	10/915,831 (Abandoned)	11-Aug-2004	CONTRAST-ENHANCED OCULAR IMAGING
GLAUKO.063A	11/045,417	27-Jan-2005	AQUEOUS OUTFLOW ENHANCEMENT WITH VASODILATED AQUEOUS CAVITY
GLAUKO.076A	11/286,779	22-Nov-2005	OPHTHALMOLOGY IMPLANTS AND METHODS OF MANUFACTURE
GLAUKO.099A	11/938,238	09-Nov-2007	UVEOSCLERAL SHUNT AND METHODS FOR IMPLANTING SAME

Copies of the patents, applications, and pending claims, including any office actions and allowances, are available through PAIR. However, if the Examiner so requests, Applicants will be happy to provide the Examiner with copies of any patents, applications, pending claims, office actions, allowances, or any other documents, at any time.

Further, office actions from several of the above-identified cases have been listed on Form PTO/SB/08 Equivalent of the Supplemental Information Disclosure Statement submitted on February 25, 2008. The Examiner's consideration of this Information Disclosure Statement is respectfully requested.

Conclusion

Applicants respectfully submit that the claims are in condition for allowance in view of the above remarks. Any remarks in support of patentability of one claim, however, should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks

referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicants respectfully traverse each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Applicants also have not presented arguments concerning whether the applied references can be properly combined in view of, among other things, the clearly missing elements noted above, and Applicants reserve the right to later contest whether a proper reason exists to combine these references as well as to later present facts and arguments supporting the non-obviousness of the claimed subject matter.

Applicants have made a good faith effort to respond to the outstanding Office Action. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is cordially invited to contact Applicants' attorney, at the telephone number below, to resolve any such issues promptly. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 1, 2008

By: _____

William H. Shreve
Registration No. 35,678
Attorney of Record
Customer No. 20995
(949) 760-0404

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